

# FAX TRANSMISSION

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**TO:** Surrogates' Court of the State of NY  
Attn: Clerk of the Miscellaneous Dept.

**Date:** January 8, 2012

**FACSIMILE:** 212-748-5971

**Pages:** 8 page(s), including this  
cover sheet.

**FROM:** Mitchell L. Kaplan, Esq..

**RE:** In the Matter of the Application of ORLY GENDER, as a person interested, for the removal of DALIA GENDER, as Trustee of the Orly Genger 1993 Trust pursuant to SCPA § 711(11) **File No. 0017/2008**

In the Matter of the Application for a Compulsory Accounting and Related Relief by ORLY GENDER, as a person interested in the Orly Genger 1993 Trust  
**File No. 0017/2008/A**

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**PLATZER, SWERGOLD, KARLIN,  
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☐ If checked, reply to  
New Jersey Office

January 8, 2013

VIA FACSIMILE ONLY

212-748-5971

Surrogate's Court of the State of New York  
County of New York  
31 Chambers Street  
New York, NY 10007

Attention: Clerk of the Miscellaneous Department

Re: In the Matter of the Application of ORLY GENDER, as a person interested,  
for the removal of DALIA GENDER, as Trustee of the Orly Genger 1993 Trust  
pursuant to SCPA § 711(11)  
**File No. 0017/2008**

In the Matter of the Application for a Compulsory Accounting and Related Relief  
by ORLY GENDER, as a person interested in the Orly Genger 1993 Trust  
**File No. 0017/2008/A**

Dear Clerk of the Court:

This law firm is counsel to Petitioner, Orly Genger, (the "Petitioner") in both of the above-referenced proceedings.

The Petitioner has previously filed a Third Amended Petition with the Court (the "Third Amended Petition") seeking, *inter alia*, the removal of respondent, Dalia Genger (the "Respondent") as trustee of the Orly Genger 1993 Trust.

In response to same, the Respondent has filed a Motion to Dismiss (the "Motion to Dismiss") the Third Amended Petition, which is presently returnable before the Court on January 15, 2013.

In addition, the Petitioner previously filed a Petition with the Court for a compulsory accounting. The return date of the Citation is also January 15, 2013 and was previously adjourned on consent at the Respondent's request.

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PLATZER, SWERGOLD, KARLIN,  
LEVINE, GOLDBERG & JASLOW, LLP  
COUNSELORS AT LAW

Clerk of the Miscellaneous Department

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January 8, 2013

The Petitioner requires additional time to submit opposition papers to the Motion to Dismiss and the Respondent has consented to same. Accordingly, enclosed please find as follows:

1. The parties' Stipulation adjourning the hearing date of the Motion to Dismiss on consent from January 15, 2013 to January 25, 2013; and,
2. The parties' Stipulation adjourning the return date of the Citation for the Compulsory Accounting proceeding from January 15, 2013 to January 25, 2013.

Kindly confirm that the enclosed Stipulations are acceptable at the Court's earliest possible convenience. Thank you for your courtesies with this matter.

Respectfully submitted,  
PLATZER, SWERGOLD, KARLIN, LEVINE,  
GOLDBERG & JASLOW, LLP

By:   
\_\_\_\_\_  
Mitchell L. Kaplan

MLK:wl

Enclosures

cc: Robert Meister, Esq (Counsel to Respondent, Dalia Genger) – **Via E-Mail Only**

SURROGATE'S COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

File No. 0017/2008

In the Matter of the Application of ORLY  
GENGER, as a person interested, for the  
removal of DALIA GENGER, as Trustee of the  
Orly Genger 1993 Trust pursuant to SCPA § 711(11)

**STIPULATION ADJOURNING RETURN DATE OF RESPONDENT'S  
MOTION TO DISMISS PETITIONER'S THIRD AMENDED PETITION TO  
REMOVE DALIA GENGER AS TRUSTEE AND FOR RELATED RELIEF**

WHEREAS, Petitioner, Orly Genger ("Petitioner") having previously filed a Third Amended Petition (the "Third Amended Petition") seeking, *inter alia*, the immediate removal of respondent, Dalia Genger (the "Respondent") as Trustee of the Orly Genger 1993 Trust in the above-captioned matter; and,

WHEREAS, the Respondent having requested that the Petitioner consent to allow her additional time to respond to the Third Amended Petition and the Petitioner having consented to same pursuant to a prior stipulation entered into by and between the parties through their respective counsel; and,

WHEREAS, the Respondent having filed a Motion to Dismiss (the "Motion to Dismiss") the Third Amended Petition, which is presently returnable before the Court on January 15, 2013 (the "Return Date"); and,


WHEREAS, the Petitioner having requested additional time to submit opposition papers to the Motion to Dismiss and the Respondent having consented to same;

IT IS HEREBY STIPULATED, AGREED AND CONSENTED to by the undersigned on behalf of the respective parties as follows:

1. The Return Date is hereby adjourned on consent to January 25, 2013 at 10:00 a.m.
2. This Stipulation may be executed in two counterparts and by facsimile or E-Mail scanned signature, each of which shall be deemed an original, together which shall for all purposes constitute one Stipulation binding upon each of the parties hereto

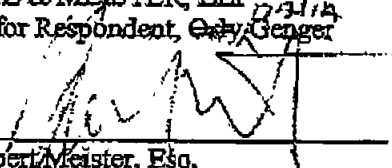
Dated: January 7, 2013  
New York, NY

PLATZER, SWERGOLD, KARLIN, LEVINE,  
GOLDBERG & JASLOW, LLP  
Attorneys for Petitioner, Orly Genger

By:   
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Mitchell L. Kaplan, Esq.  
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New York, New York 10018  
Tel (212) 593-3000

Dated: January 8, 2013  
New York, NY

PEDOWITZ & MEISTER, LLP  
Attorneys for Respondent, Orly Genger

By:   
Robert Meister, Esq.  
570 Lexington Avenue, 18<sup>th</sup> Floor  
New York, NY 10022-6837  
(Tel) (212) 403-7333

STATE OF NEW YORK  
SURROGATE'S COURT: COUNTY OF NEW YORK

-----X  
In the Matter of the Application for a Compulsory Accounting and  
Related Relief by ORLY GENDER, as a person  
interested in the ORLY GENDER 1993 TRUST,

File No. 0017/2008-A

Petitioner,

~~-against-~~

DALIA GENDER,

Respondent.

-----X  
**STIPULATION FURTHER ADJOURNING RETURN DATE OF CITATION  
OF PETITION FOR A COMPULSORY ACCOUNTING  
AND RELATED RELIEF UNDER SCPA § 2205**

WHEREAS, the Petition for a Compulsory Accounting and Related Relief under SCPA § 2205 (the "Petition") in the above-captioned matter was filed by the petitioner, Orly Gender (the "Petitioner") with the Court on November 7, 2012; and,

WHEREAS, the Citation was issued by the Court with respect to the Petition on November 20, 2012 (the "Citation"); and,

WHEREAS, the Citation having directed the respondent, Dalia Gender (the "Respondent") to appear before the Court on December 18, 2012 at 10:00 a.m. to show cause why the relief in the Petition should not be granted; and,

WHEREAS, the Respondent's counsel having requested that Petitioner's counsel consent to his request for an adjournment of the return date of the Citation on the grounds that Respondent's counsel was engaged on trial; and,

WHEREAS, the Petitioner having consented to the adjournment pursuant to a prior stipulation entered into by and between the parties and the return date of the Citation having been adjourned on consent to January 15, 2013 (the "Return Date"); and,

WHEREAS, the Petitioner having previously filed a Third Amended Petition (the "Third Amended Petition") seeking, *inter alia*, the immediate removal of the Respondent as Trustee of the Orly Genger 1993 Trust and the Respondent having filed a Motion to Dismiss (the "Motion to Dismiss") same, which is also returnable on the Return Date; and,

WHEREAS, the Petitioner having requested additional time to submit opposition papers to the Motion to Dismiss and the Respondent having consented to same and the parties would like both matters to be heard on the same date


IT IS HEREBY STIPULATED, AGREED AND CONSENTED to by the undersigned on behalf of the respective parties as follows:

1. The Return Date is hereby further adjourned on consent to January 25, 2013 at 10:00 a.m.
2. This Stipulation may be executed in two counterparts and by facsimile or E-Mail scanned signature, each of which shall be deemed an original, together which shall for all purposes constitute one Stipulation binding upon each of the parties hereto

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES APPEAR ON FOLLOWING PAGE]


Dated: January 2, 2013  
New York, NY

PLATZER, SWERGOLD, KARLIN, LEVINE,  
GOLDBERG & JASLOW, LLP  
Attorneys for Petitioner, Orly Genger

By:   
\_\_\_\_\_  
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Dated: January \_\_, 2013  
New York, NY

PEDOWITZ & MEISTER, LLP <sup>DATA</sup>  
Attorneys for Respondent, Orly Genger

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